

final benefit payment has been made to the last participant or beneficiary and shall then be terminated in accordance with the provisions in this section.

2. In the event that there be asset value remaining after the final benefit payment has been made to the last participant or beneficiary, such excess shall be returned to the Town less return of state' contributions to the state, provided that, if the excess is less than the total contributions made by the Town and the state to date of termination of the plan such excess shall be divided proportionately to the total contributions made by the Town and the state.

Section 10. Miscellaneous.

1. Non-Assignability. No benefit provided for herein shall be assignable or subject to garnishment for debt or for other process.
2. Pension Validity. The Board of Trustees shall have the power to examine into the facts upon which any pension shall have been granted under any prior or existing law, or shall hereafter be granted or obtained erroneously, fraudulently, or illegally for any reason. The Board is empowered to purge the pension rolls of any person theretofore granted a pension under prior or existing law or hereafter granted under this Ordinance if the same is found to be erroneous, fraudulent or illegal for any reason; and to reclassify any pensioner who has heretofore under any prior or existing law or who shall hereafter under this Ordinance be erroneously, improperly or illegally classified.
3. Incompetents. if any Member or Beneficiary is a minor or is, in the judgment of the

Board, otherwise incapable of personally receiving and giving a valid receipt for any payment due him under the Plan, the Board may, unless and until claims shall have been made by a duly appointed Guardian or committee of such person, make such payment or any part thereof to such person's spouse, children or other person deemed by the Board to have incurred expenses or assumed responsibility for the expenses of such person. Any payment so made shall be a complete discharge of any liability under the Plan for such payment.

4. Claims Procedure for Participants and Beneficiaries Upon Denial of Claim.
 - a. Any Member or Beneficiary whose application or claim for benefits has been denied shall receive from the Board a written notice setting forth the specific reasons for such denial, the reasons therein to be clearly and fully explained so as to afford such Member or Beneficiary a clear understanding of the decision rendered.
 - b. Any Member or Beneficiary whose application or claim for benefits has been denied shall have the right to a rehearing and a fair and full review by the Board regarding the facts, circumstances and information pertaining to the claim and the reasons for denial of such claim.
5. Number and Gender. When appropriate the singular in this Plan shall include the plural and vice versa. and the masculine shall include the feminine and vice versa.
6. *False or misleading statements made to obtain retirement benefits prohibited.*
 - (1) It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made , any false , fraudulent, or misleading oral or written statement or withhold or conceal material

information to obtain any benefit under this plan.

- (2) A. A person who violates subparagraph 1. commits a misdemeanor of the first degree, punishable as provided in §§775.082 or 775.083.
- B. In addition to any applicable criminal penalty, upon conviction for a violation described in subparagraph 1., a participant or beneficiary of this Plan may, in the discretion of the Board of Trustees, be required to forfeit the right to receive any or all benefits to which the person would otherwise be entitled under this plan. For purposes of this sub-subparagraph, "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

Section 11. Rollover Distributions.

A. Definitions:

- (1) "Eligible rollover distribution:" An eligible rollover distribution in any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under section 401(a) (9) of the Internal Revenue Code; and the portion of any distribution that is not includible in gross income.
- (2) "Eligible retirement plan:" An eligible retirement plan is an individual retirement

account described in section 408(a) of the Code, and individual retirement annuity described in section 408(b) of the Code, an annuity plan described in section 403(a) of the Code, or a qualified trust described in section 401(a) of the Code, that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.

- (3) "Distributee:" A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving spouse or former spouse who is the alternate payee under a domestic relations order determined to be qualified by this Plan, are distributees with regard to the interest of the spouse or former spouse.
- (4) "Direct rollover:" A direct rollover is a payment by the Plan to the eligible retirement plan specified by the distributee.

(B) This Section applies to distributions made on or after January 1, 1993. Notwithstanding any provision of the Plan to the contrary that would otherwise limit a distributee's election under this Section, a distributee may elect, at the time and in the manner prescribed by the Board of Trustees, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

Section 12. This Ordinance may be codified and incorporated into the existing Code of Ordinances of the Town. The Ordinance shall be available from the Office of the Town Clerk at a reasonable price to be determined by the Town Clerk.

Section 13. All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

Section 14. This Ordinance shall take effect upon passage and shall be published as required by law.

Section 15. That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part to be declared invalid.

Upon First Reading this 1st day of October, 2003, the foregoing ORDINANCE was offered by Commissioner Balius who moved its approval. The motion was seconded by Commissioner Longtin, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	X	
VICE MAYOR CHUCK BALIUS	X	
COMMISSIONER PAUL GARRETSON	X	
COMMISSIONER JEANINE LONGTIN		X
COMMISSIONER BILL OTTERSON	X	

Upon Second Reading this 15th day of October, 2003, the foregoing ORDINANCE was offered by Commissioner BALIUS who moved its adoption. The motion was seconded by Commissioner OTTERSON, and being put to a vote, the result was as follows:

	AYE	NAY
MAYOR PAUL CASTRO	X	
VICE MAYOR CHUCK BALIUS	X	
COMMISSIONER PAUL GARRETSON	X	
COMMISSIONER JEANINE LONGTIN	X	
COMMISSIONER BILL OTTERSON	X	

The Mayor thereupon declared Ordinance No. 13-2003 duly passed and adopted this 15th day of October, 2003.

TOWN OF LAKE PARK, FLORIDA

BY: Paul Castro
Mayor Paul Castro

ATTEST:

Carol Simpkins
Carol Simpkins, Town Clerk
(Town Seal)

Approved as to form and legal sufficiency:

Thomas J. Baird
Thomas J. Baird, Town Attorney

